

BONNIER PUBLICATIONS A/S
Strandboulevarden 130
2100 København Ø

2 May 2025

J.No. 2024-7321-0714
Doc.no. 727980
Caseworker
[REDACTED]

Sent by Digital Post

Final draft decision

The Danish Data Protection Agency (DPA) hereby returns to the case, where [REDACTED] (hereinafter “complainant”) in 2019 contacted the Finnish Data Protection Agency, The Office of the Data Protection Ombudsman, with a complaint regarding Bonnier Publications A/S (hereinafter Bonnier). It was subsequently assessed that the case contained cross-border elements and the DPA was appointed as lead supervisory authority in October 2022.

**The Danish Data
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The DPA has understood the complainant's inquiry as a complaint that Bonnier has not responded adequately to the complainant's request for access. The DPA has noted that it appears from the email correspondence, sent between the complainant and Bonnier from December 2018 and January 2019, that the complainant, among other things, wanted to have access to information about the recipients or categories of recipients to whom the complainant's personal data was or would be disclosed. Bonnier referred to a link which, according to the complainant, did not answer the complainant's request.

1. Decision

After examining the case, the DPA finds that there is reason to issue a reprimand - pursuant to Article 58(2)(b) of the General Data Protection Regulation ¹- due to the fact that Bonnier's handling of the complainant's request for access has not been carried out in accordance with Article 15 GDPR.

The DPA further issues an order for Bonnier to respond to the complainant's request for access pursuant to Article 15 of the General Data Protection Regulation, including information on the specific recipients to whom the information has been or will be disclosed, and if this is not possible, provide a justification of the reasoning why specific recipients cannot be disclosed.

The order is issued pursuant to article 58 (2)(c).

The deadline for compliance with the order is **4 weeks from today's date**. The DPA must request to be informed by the same date that the order has been complied with.

¹ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)

According to the Danish Data Protection Act § 41 (2)(5)², any person who refrains from complying with an order issued by the DPA pursuant to article 58 (2), shall be liable to a fine or imprisonment for any term not exceeding 6 months.

Below is a detailed analysis of the case and a justification for the DPAs decision.

2. Statement of facts

It appears from the case documents, that on 21 December 2018, the complainant wanted, among other things, to have access to information about the recipients or categories of recipients to whom the complainant's personal data were or would be disclosed.

On 7 January 2019, Bonnier informed the complainant that it would take longer to respond to the complainant's access request due to the fact that Bonnier had received many inquiries following the update of Bonnier's privacy policy.

On 16 February 2019, the complainant again contacted Bonnier, who informed the complainant on 18 February 2019, that the access request had been answered at the end of January 2019 and asked the complainant to investigate whether the reply had ended up in the complainant's 'spam' inbox.

On 12 March 2019, the complainant informed Bonnier that he had received Bonnier's reply, but the complainant considered that he had not received a sufficient response as it did not disclose to whom the complainant's personal data had been disclosed and the reasons for doing so.

On 28 June and 20 November 2019, the complainant sent a reminder to reply to his request.

On 27 November 2019, a link containing information on the categories of recipients to whom the complainant's personal data had been disclosed was sent to the complainant. By email of 27 November 2019, the complainant informed Bonnier that he had not received a sufficient response to his request, as the link did not answer the complainant's questions about the recipients to whom the personal data had been disclosed.

On 12 March 2024, the DPA sent a hearing to Bonnier, to which Bonnier replied on 15 May 2024.

On 23 July and 16 October 2024, the DPA received the complainant's comments on Bonnier's opinion of 15 May 2024, as well as a copy of Bonnier's reply to the complainant's access request of 12 March 2019 containing an insight report on complaints and a copy of Bonnier's privacy policy.

On 9 January 2025, the DPA requested a supplementary opinion from Bonnier. The DPA did not receive a response.

2.1. Comments by Bonnier

Bonnier has stated that Bonnier responded to the complainant's request for access. Bonnier has sent information about categories of recipients along with the insight report, which also included a link to Bonnier's privacy policy, and the link that was sent works. Bonnier cannot

² Regulation no. 502 from 23rd of May 2018 regarding supplementary provisions to the general data protection regulation (Danish data protection act).

enclose a copy of what was sent because of the time spent, since Bonnier keeps copies of access reports for two years.

2.2. Comments of the complainant

The complainant has stated that in 2018 the complainant asked Bonnier to have his personal data erased. Although the complainant had requested the erasure of his personal data, in the course of 2018 the complainant received a number of unsolicited telephone marketing communications from third parties. Therefore, in December 2018, the complainant requested from Bonnier access to which personal data Bonnier processed about the complaint, including information on the recipients or categories of recipients to whom the complainants' personal data were disclosed. The complainant received a response to his access request from Bonnier in February 2019, but the complainant considered that the response was insufficient as the complainant was not informed to which recipients or categories of recipients the complainant's personal data had been disclosed. The complainant again contacted Bonnier, who replied in November 2019 with reference to a link containing general information about Bonnier's disclosure of personal data, which the complainant, however, considered did not answer the question/request.

3. Reasons for the Data Protection Agency's decision

Under Article 15(1) of the General Data Protection Regulation, the data subject is, in principle, entitled to a copy of the personal data processed about him or her, as well as a range of information, including information about the recipients or categories of recipients to whom the personal data have been or will be disclosed.

The DPA has assumed, that on 21 December 2018 the complainant requested access to his personal data, and that on 12 March and 27 November 2019 the complainant received a reply from Bonnier to his request, which the complainant did not consider sufficient, as the complainant was not informed of the specific recipients to whom the complainant's personal data had been disclosed. Moreover, Bonnier did not provide information about the reason why information on the recipients was not disclosed but only the categories of recipients.

The DPA has laid emphasis on that Bonnier, in response to the complainant's request, sent an e-mail, which the complainant received on 12 March 2019, containing an insight report regarding the complaint and a copy of Bonnier's privacy policy, showing the category of recipients.

The DPA has also laid emphasis on the fact that, by email of 27 November 2019, Bonnier sent a link to complaints containing information on the categories of recipients to whom the complainant's personal data had been disclosed. At the same time, Bonnier referred to Article 15(1)(c) of the GDPR, which implies that the data subject has the right to obtain information about the recipients or category of recipients to whom the complainant's personal data have been disclosed, and stated in that regard that Bonnier operates with/uses categories of recipients.

In connection with the handling of the complainant's request for access, the DPA has noted that Bonnier has not informed the complainant whether his personal data were disclosed and, if so, to whom. Bonnier points out that the request for access has been answered by informing the complainant about the category of recipients, which is the approach which Bonnier appears to have adopted in replying to requests for access.

It is apparent from the EDPB Guidance that,³ pursuant to Article 15 of the GDPR, in relation to the question of whether a controller is free to choose between information on recipients or categories of recipients, a genuine right of access is provided for the data subject, with the result that the data subject must be able to obtain either information on the specific recipients to whom the data have been or will be disclosed, where possible, or information on the categories of recipients.

This implies that the data subject's right of access includes an indication of the specific recipients of his or her personal data if the data subject so requests. Thus, the controller must, to the extent that the controller is aware of the specific recipients, inform the data subject of those specific recipients. Where it is impossible to identify the specific recipients, the controller may indicate the category of recipients where the information should be as specific as possible by indicating the type of recipient.

The DPA then finds that Bonnier has limited the complainant's right of access to only categories of recipients without sufficiently justifying the reason why the complainant cannot be informed of the specific recipients.

The DPA therefore considers that Bonnier's handling of the complainant's request for access has not been carried out in accordance with Article 15(1) of the data protection rules, which gives the Agency cause for issue a reprimand.

The DPA hereby issues an order for Bonnier to respond to the complainant's request for access pursuant to Article 15 of the GDPR, including information on the specific recipients to whom the information has been or will be disclosed, and if this is not possible, to provide a justification of the reason why specific recipients cannot be disclosed.

The order is issued pursuant to article 58 (2)(c) and the deadline for compliance with the order is **4 weeks from today's date**. The DPA requests to be informed by the same date that the order has been complied with.

4. Closing remarks

The DPA hereby considers the case closed and does not take any further action in the case.

A copy of this letter will be sent to the complainant today for information via IMI.

The decisions of the DPA may not be appealed to any other administrative authority, cf. Section 30 of the Data Protection Act. The decisions of the Data Protection Agency may, however, be brought before the courts, cf. Section 63.

In conclusion, the DPA regrets the long processing time, which is due to the heavy workload of the supervisory authority, and the supervisory authority regrets that no information has been provided on a regular basis about delays in the processing time, etc.

Kind regards



Annex: Legal basis.

³ Guidelines 01/2022 on data subjects' rights – right of access, version 2.1, adopted on 28 March 2023.

Extract from Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

Article 15. The data subject shall have the right to obtain from the controller confirmation as to whether or not personal data concerning him or her are being processed and, where appropriate, access to the personal data and the following information:

- a) the purposes of the processing;
- b) the categories of personal data concerned;
- c) the recipients or categories of recipients to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations;
- d) where possible, the envisaged period for which the personal data will be stored or, if that is not possible, the criteria used to determine that period;
- e) the existence of the right to request from the controller rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
- f) the right to lodge a complaint with a supervisory authority;
- g) any available information as to the source of the personal data, if not collected from the data subject;
- h) the existence of automated decision-making, including profiling, as referred to in Article 22(1) and (4) and at least meaningful information about the logic involved, as well as the significance and envisaged consequences of such processing for the data subject.

Paragraph 2. Where the personal data are transferred to a third country or an international organisation, the data subject shall have the right to be informed of the appropriate safeguards pursuant to Article 46 in relation to the transfer.

Paragraph 3. The controller shall provide a copy of the personal data being processed. For additional copies requested by the data subject, the controller may charge a reasonable fee based on administrative costs. Where the data subject makes the request by electronic means and unless otherwise requested by the data subject, the information shall be provided in a commonly used electronic form.

Paragraph 4. The right to receive a copy referred to in paragraph 3 shall not adversely affect the rights and freedoms of others.